

SHB 1956 - H AMD 41

By Representative Williams

ADOPTED 3/03/2009

1 Strike everything after the enacting clause and insert the
2 following:

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4 "NEW SECTION. **Sec. 1.** The legislature finds that there are
5 many homeless persons in our state that are in need of shelter and
6 other services that are not being provided by the state and local
7 governments. The legislature also finds that in many communities
8 churches play an important role in providing needed services to the
9 homeless, including the provision of shelter upon church property. By
10 providing such shelter, the religious institutions in our communities
11 perform a valuable public service that, for many, offers a temporary,
12 stop-gap solution to the larger social problem of increasing numbers
13 of homeless persons.

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15 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW
16 to read as follows:

17 (1) A church may host temporary encampments for the homeless on
18 property owned or controlled by the church whether within buildings
19 located on the property or elsewhere on the property outside of
20 buildings.

21 (2) A county may not enact an ordinance or regulation or take any
22 other action that:

23 (a) Unreasonably interferes with the decisions or actions of a
24 church regarding the location of housing or shelter for homeless
25 persons on property the church owns or controls;

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1 (b) Unreasonably prohibits or attempts to regulate the housing of
2 homeless persons on church property based upon the property's
3 proximity to a school or day care center; or

4 (d) Requires a church to obtain insurance pertaining to the
5 liability of a municipality with respect to homeless persons housed on
6 church property or otherwise requires the church to indemnify the
7 municipality against such liability.

8 (3) For the purposes of this section, "church" means a building or
9 buildings and adjacent real property that is used as a place of
10 worship by a religious denomination and that is owned or controlled by
11 the denomination.

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13 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
14 to read as follows:

15 (1) A church may host temporary encampments for the homeless on
16 property owned or controlled by the church whether within buildings
17 located on the property or elsewhere on the property outside of
18 buildings.

19 (2) A city or town may not enact an ordinance or regulation or
20 take any other action that:

21 (a) Unreasonably interferes with the decisions or actions of a
22 church regarding the location of housing or shelter for homeless
23 persons on property the church owns or controls;

24 (b) Unreasonably prohibits or attempts to regulate the housing of
25 homeless persons on church property based upon the property's
26 proximity to a school or day care center; or

27 (d) Requires a church to obtain insurance pertaining to the
28 liability of a municipality with respect to homeless persons housed on
29 church property or otherwise requires the church to indemnify the
30 municipality against such liability.

31 (3) For the purposes of this section, "church" means a building or
32 buildings and adjacent real property that is used as a place of
33 worship by a religious denomination and that is owned or controlled by
34 the denomination.

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NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) A church may host temporary encampments for the homeless on property owned or controlled by the church whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A code city may not enact an ordinance or regulation or take any other action that:

(a) Unreasonably interferes with the decisions or actions of a church regarding the location of housing or shelter for homeless persons on property the church owns or controls;

(b) Unreasonably prohibits or attempts to regulate the housing of homeless persons on church property based upon the property's proximity to a school or day care center; or

(d) Requires a church to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on church property or otherwise requires the church to indemnify the municipality against such liability.

(3) For the purposes of this section, "church" means a building or buildings and adjacent real property that is used as a place of worship by a religious denomination and that is owned or controlled by the denomination.

NEW SECTION. **Sec. 5.** Nothing in this act is intended to change applicable law or be interpreted to prohibit a county, city, town, or code city from applying zoning and land use regulations allowable under established law to real property owned by a church, regardless of whether the property owned by the church is used to provide shelter or housing to homeless persons."

Correct the title.

EFFECT: (1) Deletes a portion of the intent section containing legislative findings; (2) limits the types of shelter or housing that churches may offer the homeless to those that can be characterized as "temporary encampments"; (3) clarifies that homeless housing ordinances based upon proximity to a school or day care center are prohibited only if they are "unreasonable"; (4) deletes a bill provision prohibiting a municipality from requiring a church to maintain property and casualty insurance and; (5) adds a new section establishing that a municipality may enforce or enact otherwise lawful zoning and land use regulations applicable to real property owned by a church whether or not the church property is used to provide shelter or housing to the homeless.

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